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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,927	12/30/2003	Paul A. Koning	884.863US1	7090
21186 7	7590 11/21/2005		EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH			ABOAGYE, MICHAEL	
1600 TCF TO	WER ZIGHT STREET		ART UNIT	PAPER NUMBER
	IS, MN 55402		1725	
			DATE MAILED: 11/21/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

			W				
	Application No.	Applicant(s)					
	10/747,927	KONING ET AL.					
Office Action Summary	Examiner	Art Unit					
	Michael Aboagye	1725					
The MAILING DATE of this communication	on appears on the cover sheet v	vith the correspondence addres	:s				
Period for Reply	NEDLY IO CET TO EXPIDE 4	MONTH(C) OF THIRTY (20) D	AVS				
A SHORTENED STATUTORY PERIOD FOR R WHICHEVER IS LONGER, FROM THE MAILIN - Extensions of time may be available under the provisions of 37 C after SIX (6) MONTHS from the mailing date of this communicati - If NO period for reply is specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUN CFR 1.136(a). In no event, however, may a on. period will apply and will expire SIX (6) MC statute, cause the application to become A	ICATION.  I reply be timely filed  INTHS from the mailing date of this commu  ABANDONED (35 U.S.C. § 133).					
Status							
1) Responsive to communication(s) filed on	29 June 2004.						
(a) This action is <b>FINAL</b> . 2b) This action is non-final.							
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice ur	nder <i>Ex parte Quayle</i> , 1935 C.	D. 11, 453 O.G. 213.					
Disposition of Claims							
4) ⊠ Claim(s) 1-27 is/are pending in the application 4a) Of the above claim(s) is/are with 5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are objected to.  8) ⊠ Claim(s) 1-27 are subject to restriction as	thdrawn from consideration.	•					
Application Papers							
9) The specification is objected to by the Exa	aminer.						
10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
Replacement drawing sheet(s) including the call to be a second or declaration is objected to by the call to be a second or declaration is objected to be a second or declaration in the call to be a second or declaration or declaration.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for for a) All b) Some * c) None of:  1. Certified copies of the priority docu 2. Certified copies of the priority docu 3. Copies of the certified copies of the application from the International E * See the attached detailed Office action for	uments have been received.  uments have been received in  e priority documents have bee  Bureau (PCT Rule 17.2(a)).	Application No n received in this National Sta	ge				
Attachment(s)	_						
1) Notice of References Cited (PTO-892)	·	v Summary (PTO-413) o(s)/Mail Date					
<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-9-3)</li> <li>3) Information Disclosure Statement(s) (PTO-1449 or PTO/Paper No(s)/Mail Date</li> </ul>	· · · · · · · · · · · · · · · · · · ·	f Informal Patent Application (PTO-152	2)				

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1- 10, and 24- 27 are, drawn to final product classified in class 257, subclass 706.
  - II. Claims 11- 14, drawn to intermediate product, classified in class 423, subclass 447.1.
  - III. Claims 15- 18 are, drawn to a process of making classified in class 228, subclass 170.
- IV. Claims 19-23 are, drawn to a process of making classified in class 228, subclass 245.
- 2. Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as in bonding an article that does not include a die and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be

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obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 3. Inventions I and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by another and materially different process, wherein the product is preformed to a certain size and is not sliced.
- 4. Inventions I and IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by another and materially different process, like mechanical bonding.
- 5. Inventions II and III are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2)

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that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different product that does not require the particulars of the carbon nanotubes, e.g. the length range.

- 6. Inventions II and IV are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the process as claimed can be used to make other and materially different product that does not require the particulars of the carbon nanotubes, e.g. the length range.
- 7. Inventions III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are unrelated because the two processes are used to make materially different products.
- 8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

10. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Aboagye whose telephone number is 571-272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have guestions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Michael Aboagye Assistant Examiner

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11/15/2005

AM AM

KEVIN KERNS Kirin Kerns 11/15/05 PRIMARY EXAMINER